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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK WELLS,  
Plaintiff,  
v.  
ROSA GONZALES,  
Defendant.

No. 1:17-cv-01240-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 90)

Plaintiff Frank Wells is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 6, 2018, the assigned magistrate judge screened plaintiff’s complaint and issued findings and recommendations recommending that plaintiff’s claim for intentional infliction of emotional distress be dismissed and that this action proceed on all of plaintiff’s remaining claims. (Doc. No. 8 at 2.) The undersigned adopted the findings and recommendations on July 18, 2018. (Doc. No. 10.) On July 22, 2019, plaintiff filed a request for leave to amend and a proposed first amended complaint. (Doc. No. 48.) Additionally, on August 5, 2019, plaintiff filed a motion requesting that the court issue an order directing the California Department of Corrections and Rehabilitation to return plaintiff’s personal property because he could not comply with the court’s

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1 order requiring that he respond to defendant's request for production of documents. (Doc. No.  
2 51.)

3 On March 13, 2020, the magistrate judge issued findings and recommendations  
4 recommending that plaintiff's request for leave to amend be denied on several grounds and that  
5 plaintiff's motion to for an order requiring the California Department of Corrections and  
6 Rehabilitation to return his personal property be denied as moot. (Doc. No. 90.) The findings  
7 and recommendations were served on plaintiff and contained notice that any objections thereto  
8 were to be filed within fourteen (14) days of service. (*Id.* at 8.) To date, no objections to the  
9 pending findings and recommendations have been filed, and the time in which to do so has now  
10 passed.


11 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a  
12 de novo review of this case. Having carefully reviewed the file, the court finds the findings and  
13 recommendations to be supported by the record and proper analysis.

14 Accordingly:

- 15 1. The findings and recommendations issued on March 13, 2020 (Doc. No. 90) are  
16 adopted in full;
- 17 2. Plaintiff's motion for leave to amend (Doc. No. 48) is denied; and
- 18 3. Plaintiff's motion to produce property (Doc. No. 51) is denied as moot.

19 IT IS SO ORDERED.

20 Dated: March 30, 2020

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23 UNITED STATES DISTRICT JUDGE  
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